

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
NORTHERN DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY :

COMMISSION, :

Plaintiff.

and : Case No.

KATHY KOCH, : WDQ 02-CV-648

Intervenor/Plaintiff, : Jury Demanded

v. :

L.A. WEIGHT LOSS, :

Defendant. :

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Deposition of KATHY KOCH

Baltimore, Maryland

Wednesday, December 3, 2003

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1 about the contents. Can you identify this  
2 document?

3 A. This document was given to me by Lynne  
4 Portlock.

5 Q. When was it given to you?

6 A. Prior to my actually starting. I had  
7 been hired. I had met Lynne. And she gave it to  
8 me to read. I was going to Europe. She gave it to  
9 me to read on the plane.

10 Q. Now, that was not one of the documents  
11 you returned to the company on the day you were  
12 terminated, was it?

13 A. Lynne told me to read it and toss it.

14 Q. But you didn't toss it, did you?

15 A. I found this later when I was packing to  
16 go to New York.

17 Q. I'm handing you another large document.  
18 This is KK 0246. And --

19 A. (Reviewing document.)

20 Q. Take a minute to look at that, please.

21 A. (Reviewing document.) Okay.

22 Q. What is this document?

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1 Loss?

2 A. I'm sorry, sir?

3 Q. Were there documents at the time you  
4 were discharged that were not in your car, that  
5 were in your home, for example, at the time you  
6 were discharged from L.A. Weight Loss?

7 MS. WHITE: Objection to breadth. What  
8 kinds of documents?

9 MR. LANDAU: I'll rephrase the question.

10 BY MR. LANDAU:

11 Q. Were there L.A. Weight Loss documents  
12 such as training manuals or a bloodborne pathogens  
13 training session document that you had at your  
14 home, for example, and not in your car at the time  
15 you were discharged?

16 A. At the time I was discharged I believed  
17 I had turned in everything. When I packed to go to  
18 New York I found other items and turned them in.

19 Q. But you turned some of them over to the  
20 EEOC, some of them over to your lawyer. Isn't that  
21 correct?

22 A. That is correct.

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1 A. I believe it's the bloodborne pathogens  
2 training.

3 Q. When did you get this document?

4 A. I don't recall.

5 Q. Was it sometime during your employment  
6 at L.A. Weight Loss?

7 A. Yes.

8 Q. And this was not among the documents  
9 you returned to Lynne Portlock on the day you were  
10 terminated, was it?

11 A. It wasn't in my car at the time.

12 Q. Did you ever send it back to the  
13 company?

14 A. My lawyer did.

15 Q. This document?

16 A. If I had it, it was given to my lawyer  
17 or the EEOC or returned to the company.

18 Q. One of those?

19 A. One of those.

20 Q. Were there in fact documents that  
21 weren't in your car at the time you were discharged  
22 that related to your employment at L.A. Weight

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1 Q. The ones you turned over to the EEOC,  
2 why didn't you return them to the company?

3 A. I don't recall.

4 Q. Have you returned now all L.A. Weight  
5 Loss documents such as training manuals and resumes  
6 and applications and so forth either to your lawyer  
7 or to the EEOC?

8 A. I've returned them either to my lawyer,  
9 the EEOC, or L.A. Weight Loss.

10 Q. Earlier today we looked at a pile of  
11 documents that started with LA 001.

12 A. Yes, sir.

13 Q. The applications and the tracking  
14 sheets, did you review these in preparation for  
15 your deposition?

16 A. Yes.

17 Q. And these I will represent to you are  
18 the documents your lawyer returned in the summer of  
19 1998 to the company -- to the company's attorney.  
20 Are there -- well, strike that.

21 Can you tell me as specifically as you  
22 can what documents you returned to Lynne Portlock

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1 in that box the day you were terminated?  
 2 A. A large flip chart, a small flip chart,  
 3 an expander file with various handouts for the  
 4 training. Specifically what those handouts were I  
 5 cannot at this point recall.  
 6 But they were all handouts as required  
 7 by the company for the training, and they were  
 8 Xerox -- I'm using Xerox -- Xerox copies or Kinko's  
 9 I took them to. Copies of the test, a brand-new  
 10 test, markers, stickers. Did I say a large flip  
 11 chart?  
 12 Q. Yes.  
 13 A. Can you read the list back to me and  
 14 I'll see if I can remember anything please, else.  
 15 Q. Two flip charts, a large one and a small  
 16 one.  
 17 A. Correct.  
 18 Q. Handouts for the training which were  
 19 Xeroxed company form type handouts.  
 20 A. Correct.  
 21 Q. A new test for the trainers.  
 22 A. Correct.

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1 Q. For the counselors. I'm sorry.  
 2 Markers?  
 3 A. Stickers.  
 4 Q. And stickers. What are the stickers?  
 5 A. If you did well you got a sticker, as  
 6 well as the old test. The box -- it was a big box  
 7 of stuff, a big box of stuff. I could hardly carry  
 8 the box of stuff. A bingo game. A card game that  
 9 were related to -- used as training tools. They  
 10 were used as training tools. I had made them up.  
 11 Q. Anything else?  
 12 A. I don't believe. At this time I can't  
 13 recall any.  
 14 Q. I'm going back to the blue notebook.  
 15 A. All right, sir.  
 16 Q. And I'm going to open it up to a section  
 17 which is called Consultation.  
 18 A. All right.  
 19 Q. And in that blue notebook there is a  
 20 document that says: Three Phase Program: Weight  
 21 Loss, Stabilization, Maintenance.  
 22 A. Correct.

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1 Q. You see that? Okay. Does that look  
 2 like a form of the flip chart that you were using?  
 3 A. This information was in the flip chart.  
 4 Yes.  
 5 Q. In a similar form or a different form?  
 6 A. Pretty similar. Had a big chicken on it  
 7 on my thing. He was holding it, a big chicken.  
 8 Q. And the small flip chart and the large  
 9 flip chart, were they different in content or  
 10 similar?  
 11 A. Different.  
 12 Q. How were they different?  
 13 A. There was a mistake on the small flip  
 14 chart and the order was somewhat different.  
 15 Q. And basically what would you describe  
 16 the flip chart as? What is its content? What does  
 17 it do?  
 18 A. It's a visual aid that will list the  
 19 main parts that I'm orally teaching.  
 20 Q. And those main parts would be the L.A.  
 21 Weight Loss -- on the L.A. Weight Loss program?  
 22 A. They would be directly from the book.

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1 The training manual had certain things we had to  
 2 cover. It was taken specifically from the book.  
 3 Q. Now, the flip charts that were in the  
 4 box, was one or both of those flip charts the flip  
 5 chart that Lynne Portlock had prepared the weekend  
 6 before?  
 7 A. The small one with the mistake in it was  
 8 the one that Lynne had prepared before.  
 9 Q. And the large one --  
 10 A. Was mine.  
 11 (Discussion off the record.)  
 12 THE VIDEOGRAPHER: Going off the record.  
 13 The time is 3:30.  
 14 (Brief recess.)  
 15 THE VIDEOGRAPHER: Going back on the  
 16 record. The time is 3:37.  
 17 MR. LANDAU: We were talking about  
 18 documents and I just want to show you -- have this  
 19 marked.  
 20 (Koch Exhibit No. 17 was marked for  
 21 identification.)  
 22 THE WITNESS: (Reviewing document.)